

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**In re: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION**

)
) **MDL No. 1456**
) **Master File No. 01- 12257-PBS**
) **Subcategory Case. No. 06-11337**

THIS DOCUMENT RELATES TO:

*United States of America ex rel. Ven-A-Care of the
Florida Keys, Inc., et al. v. Dey, Inc., et al.,*
Civil Action No. 05-11084-PBS

) **Hon. Patti B. Saris**
)
) **Magistrate Judge**
) **Marianne B. Bowler**
)
)

DEY DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE EXCESS PAGES

Defendants Dey, Inc., Dey Pharma, L.P. (formerly known as Dey, L.P.) and Dey L.P., Inc. (collectively, "Dey") respectfully request leave to file a 25 page opposition to the United States' Motion *In Limine* to Preclude Evidence of "Government Knowledge" (Docket No. 7131). Dey respectfully submits that a brief in excess of the 20 page limit set forth in Local Rule 7.1(b)(4) is necessary to adequately respond to the issues raised in the United States' motion. A copy of the proposed opposition is annexed hereto as Exhibit A.

Dated: July 14, 2010

Respectfully Submitted,

KELLEY DRYE & WARREN LLP

By: /s/ Sarah L. Reid

Paul F. Doyle (BBO # 133460)
Sarah L. Reid (*pro hac vice*)
William A. Escobar (*pro hac vice*)
Neil Merkl (*pro hac vice*)

101 Park Avenue
New York, NY 10178
Telephone: (212) 808-7800
Facsimile: (212) 808-7897

-and-

Martin F. Murphy, BBO #363250
Robert E. Toone, BBO #663249
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, MA 02210
Telephone: (617) 832-1000
Facsimile: (617)

*Attorneys for Defendants Dey Pharma, L.P.
(formerly known as Dey, L.P.), Dey, Inc., and Dey
L.P., Inc.*

LOCAL RULE 7.1 CERTIFICATION

I certify that counsel for Dey has conferred with counsel for the United States, who has indicated that the United States will not oppose Dey's motion. Further, the parties have agreed that Dey's Consent Motions To Establish Briefing Schedules (Docket Nos. 7133 and 7170) were not intended to imply that the United States will not seek leave to file reply briefs or that Dey will not seek leave to file sur-reply briefs.

/s/ Sarah L. Reid

Sarah L. Reid

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by causing to be sent, on July 14, 2010, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Sarah L. Reid

Sarah L. Reid